THE VIRGINIA GAZETTE, & GENERAL ADVERTISER.

RICHMOND:—PRINTED (EVERY TUESDAY AND FRIDAY) BY AUGUSTINE DAVIS, AT FOUR DOLLARS PER ANNUM—PAID IN ADVANCE.

NUMBER 976.] TUESDAY, FEBRUARY 23, 1802. [VOLUME XVI.

By virtue of a decree of the Court of the United States, for the 4th Circuit in the Eastern Virginia Diſtrict, bearing date the 6th day of December, 1801, in favor of Stanſbury & Haydock, againſt John Segar,

WILL BE SOLD,

For ready money, to the higheſt bidder, on Saturday the 27th day of this month,

A HALF ACRE

Lot of Land,

With a two ſtory Houſe thereon,

LYING in the town of Dunkirk, in the county of King and Queen, which Lot is known in the plan of ſaid town by No. 2, with the Appurtenances thereunto belonging, the property of the ſaid John Segar, to ſatisfy Stanſbury & Haydock, one thouſand and one dollars, with intereſt thereon, to be computed after the rate of five per centum per annum from the 27th day of October, 1796, till payment, and the coſts of ſuit, together with the expences attending the ſale.

BEN. MOSBY, Commiſſioner.

February 3, 1802. 3w.

P. S. The Sale will take place on the premiſes between the hours of 12 and 2 o'Clock.

RUNAWAY,

From the ſubſcriber, on Friday laſt, a yellow man ſlave named

Anthony.

HE is about five feet eight inches high, twety-five years old, has a remarkable thick black beard, had on when he went away a ſhort blue coat, bordered with red, with a red cape; he alſo took with him a variety of other cloathing; was formerly the property of Mr. Henry Gerard Latus, at the Bowling-Green, where it is ſuppoſed he will attempt to go. He was born in Richmond county, and has acquaintances in Surry. Any perſon who will ſecure the above mentioned ſlave, or deliver him to me in this place, ſhall receive compenſation adequate to the trouble, and all expences paid.

BEN: MOSBY.

Richmond, Feb. 8, 1802. tf

TO BE SOLD,

At a low price, and immediate poſſeſſion given to the purchaſer, a very

Valuable Farm,

LYING on both ſides of Swift Creek, in the county of Powhatan, about twenty miles from Manchester, containing 470 acres, with a large proportion of good meadow ground, the creek running near the middle of the tract more than a mile; on which is a well built Manufacturing Mill, in good repair on a never failing ſtream, with an excellent and permanent Stone Dam; ſituate in a fine wheat country, and in a good neighborhood for cuſtom.

It is preſumed that thoſe inclined to purchaſe will view the premiſes.

For terms apply to Col. Bernard Markham, near the town of Manchester, or to the ſubſcriber, near the coal-pits, in the upper end of Cheſterfield.

WM. FLEMING.

January 29, 1802. (ep4w)

United States Fourth Circuit,
Eaſtern Diſtrict of Virginia.
December term, 1801.

Mary Douglaſs, plaintiff,
Againſt
Thomas Blane & James Patton, jun. defts. } *In Chancery.*

THE defendant Thomas Blane, not having entered his appearance and given ſecurity according to the rules of this court, and it appearing to the ſatisfaction of the court, that he is not an inhabitant of this diſtrict, on the motion of the plaintiff, by his counſel, *It is ordered*, that the ſaid defendant do appear here on the firſt day of the next court, and anſwer the bill of the plaintiff; and that a copy of this order be forthwith inſerted in ſome one of the newspapers publiſhed in the city of Richmond for two months ſucceſſively, and poſted up at the front door of the capitol, in the ſaid city.

A Copy Teſte,
Wm. MARSHALL, Clerk.

THE CONNECTION between BERKELEY and DAVIS, at the EAGLE-TAVERN, is diſſolved this day. All perſons having claims againſt them, are requeſted to make them known immediately.

Richmond, Feb. 16, 1802. 3w

Old Dare-Devil

STANDS at my houſe in Cheſterfield county on Appomatox river, fifteen miles above Peterſburg, ten from the court houſe, and will cover mares by the ſeaſon at Thirty-Five Dollars, ten of which will be remitted, if paid by the 10th of Auguſt, when the ſeaſon expires. Mares may be fed with grain at twenty-five cents per day, which muſt be paid before they are taken away.—It is needleſs to ſwell the advertiſement with his pedigree and performance, as they have been ſo often aſcertained heretofore—Undoubtedly he was as fleet a horſe as any in England in his day—as to his blood, it is from the firſt croſſes; that is, Herod and Eclipſe. Dare Devil's get ſpeaks for themſelves, as they are the beſt racers on the continent, which was made manifeſt by their run laſt fall. They won at Richmond, Peterſburg, New-Brunſwick, Hick's-Ford, Norfolk, Warrington and Tarborough, beſides at many other places. No reſponſibility for accidents.

THOMAS GOODE.

February 12, 1802.

N. B. One Dollar to the groom.

Land for Sale.

PURSUANT to a decree of the worſhipful court of King William county, made on behalf of James Price, and Wm. Brooke, complainants, againſt Robert Price defendant, the tract of LAND, on which Mr. Robert Price now reſides, in the ſaid county, will be ſold, at King William court houſe, on the 22d day of March next, for ready money. There is a convenient and large brick houſe with other neceſſery buildings on the ſaid land, and it is ſuppoſed that the quantity of acres contained in the tract, is between 700 and 800. This ſituation is conſidered not only healthy, but elegant; and commands an extenſive view, up and down the Mattapony River, on whoſe banks it lies. It abounds with wild fowl and ſoruſſes; is in the vicinity of good fiſheries, and well ſupplied with oyſters from York River. The ſoil is ſtiff and clayey and of middling quality. This ſeat is abuot 8 miles diſtant from King-William court houſe, and within two miles of Frayſer's Ferry.

The Commiſſioners.

February 8, 1802.

By virtue of a deed of truſt made to us by Mr. William Maſſie of Goochland county, for the purpoſe of ſecuring the payment of a ſum of money to Thomas Mitchell of Louiſa county, will be expoſed to public ſale, on the premiſes, on the 27th inſtant, the

Tract of Land,

on which the ſaid William Maſſie now lives,

CONTAINING by ſurvey 268 and one fourth acres. Alſo

5 Negro Slaves,

or ſo much of the aforeſaid property as will be ſufficient to diſcharge the ſum of £. 54: 4s: 10d. with intereſt and charges.

John Quarles.
John Napier.
Moſes Norris.

February 11, 1802. ep5t

Eighty Dollars Reward.

STOLEN,

On the night of the 19th of January, a blood

Bay Gelding,

RISING eight years old, about 15 hands high, nicked, and branded on the left buttock O, which ſhews very plain; a little white on the right hind foot juſt above the hoof, about half way round, which may not be obſerved unleſs examined, paces, trots and gallops. He may be diſfigured to prevent diſcovery, by altering the brand, cutting off his ears, or otherwiſe. He was ſtolen by a man whoſe real name, I am informed is, Obadiah Williams, though he has paſſed by ſeveral other names; he is ſix feet (or upwards) high, with large grey eyes, fair complexion, and ſhort light hair, has a ſcar on the right ſide of his noſe, and a ſmall bit of the noſtril is torn or cut out. I will give 50 dollars on conviction of the thief; 30 dollars on the delivery of the horſe, or 20 dollars for ſuch information as may enable me to get him again.

Laurence Battaile.

Caroline County, Feb. 8, 1802. 3w

VIRGINIA:
In the High Court of Chancery, September 20th, 1801.

BETWEEN
William Ludwell Lee, adminiſtrator with the will annexed, of William Lee, deceaſed, Plaintiff,
AND
William Brown, ſurviving partner of the late houſe of Perkins, Buchanan, and Brown, Sampſon Mathews, Major Wilcox, and Richard Adams, William Fry, and Thomas Maſſie, executors of Thomas Adams, dec. and Cyrus Griffin and William Marſhall, executors of William Griffin, deceaſed, Samuel Clarke, Jacob Kenny, and John Brokenbrough, adminiſtrator of James Edmundſon, deceaſed, Thomas Pleaſants, and Thomas Bolling, under the firm of Pleaſants & Bolling, executors of Bennet Brown, deceaſed, James Calloway and Richard Crump, ſurviving partner of Trents, Crump and Bolling, Defendants.

THE Defendant William Brown, having entered his appearance and given ſecurity, according to the act of Aſſembly, and the rules of this court, and it appearing to the ſatisfaction of the court, that he is not an inhabitant of this country; on motion of the plaintiff, by his counſel, IT IS ORDERED, that the ſaid defendant do appear here on the firſt day of the next term, and anſwer the bill of the plaintiff; and that a copy of this order be forthwith inſerted in ſome newſpaper of the city of Richmond, for two months ſucceſſively, and poſted at the front door of the capitol in the ſaid city.

(A copy)
Teſte,
Peter Tinſley, c. c.

New Millenery.

M. PHEPOE,

RESPECTFULLY informs the Ladies of Richmond and its vicinity, that ſhe has received by the laſt arrivals from London and New-York, an elegant Aſſortment of MILLENERY, of the neweſt and moſt approved faſhions, conſiſting of Circaſſian Turbans, Jockey Caps, Helmet Do. Dutcheſs of York's Whim, Buffoons, Ceſtus's, Feathers, Flowers, Wreaths, &c. &c. which are now open for their inſpection, at the houſe occupied as a ſtore by Mr. Henry M'Clatchy, upper end of the main ſtreet, near Shockoe Hill.

Richmond, Feb. 16, 1802. tf.

James P. Hopkins,

TAYLOR,

[OPPOSITE THE CITY HOTEL]

RETURNS his grateful thanks to the citizens of Richmond and its vicinity for the encouragement he has received, and aſſures them, that no exertion on his part ſhall be wanted to deſerve their future favours, being provided with good workmen, he will be able to ſerve them on the ſhorteſt notice, with the neweſt faſhions and his uſual punctuality.

☞ Thoſe of his country cuſtomers who are indebted to him, will ſerve him materially by immediate payment.

TAKEN up by the Subſcriber, on Spring Creek, the 21ſt November 1801, a BRIGHT BAY HORSE, with a ſtar in his forehead, about nine or ten years old, about four feet ten inches high, both fore feet and his right hind foot white, his right hip loweſt, no brand perceivable, appraiſed to twenty pounds.

Joſiah Foſter.

February 11, 1802. 3t

W. & D. BURR,

Reſpectfully inform the Public, that they have juſt opened a

Wholeſale & Retail Hat Store,

IN the houſe lately occupied by Meſſrs. J and J. Fackler, two doors below the Poſt-Office, and now offer for ſale a complete

Aſſortment of Hats,

CONSISTING OF

Men's ſuperfine blk. and drab Beavers.	Do. and boys Wool.
Do. fine and coarſe Caſtors.	Ladies' fancy Beavers.
Do. blk. Rorums.	Children's Fancy Hats, coarſe and fine.
Do. drab Green Under.	Servants' Glazed Hats.
Do. fine and coarſe Cordees.	

ALSO—A GREAT VARIETY OF

Hatters Trimmings,	Blk. Paper for Tips
Bruſhes,	Black, red and drab Morocco.
Cards,	Oil Covers,
Galloons,	Looping,
Linings,	Blocking Twine,
Bands and Buckles,	And a few pieces Iriſh Linen,
Bowſtrings,	
Bobbin,	
Velvets,	

Which will be ſold cheap, for Caſh or Produce.

Richmond, February 16, 1802

SENATE OF THE *UNITED STATES.*

Tueſday, January 19.

DEBATE

On Mr. Brackenridge's motion to repeal the act paſſed laſt ſeſſion for a new organization of the JUDICIARY SYSTEM.

CONTINUED.

Mr. CHIPMAN, of Vermont. Mr. Preſident—After the length of time which has already been conſumed, and the abilities which have been diſplayed in this debate, I can have but little hope of exhibiting any thing new for the conſideration of the Senate. Yet momentous as I conſider the deciſion to be made on the preſent queſtion, involving conſequences powerfully affecting the moſt important principles of the conſtruction, I cannot perſuade myſelf to give a merely ſilent vote on the occaſion. In the obſervations which I intend to make, I ſhall endeavour briefly to examine ſome of the principal arguments only, which have been offered in favor of the reſolution on your table.

The arguments in ſupport of the reſolution have been reduced under two general heads:

1. The expediency of repealing the law contemplated in the reſolution, and,

2. The conſtitutional power of Congreſs to repeal that law.

To evince the expediency of the meaſure it has been ſaid, that the ſyſtem of 1793 was adequate to all the purpoſes of the national judiciary; and that the judges appointed under that ſyſtem were competent to all the judicial duties required. Upon this, Sir, I ſhall briefly obſerve, that from the number of terms of the ſupreme and circuit courts, and the immenſe diſtance to be travelled, the labour was unreaſonably great. From the labours and fatigues of riding the circuit there could not be allowed time ſufficient for thoſe ſtudies, and for that calm and deliberate attention, which is ſo neceſſary to the proper diſcharge of the duties of a judge.

At times it has happened, that a ſupreme judge could not attend a circuit court; from this circumſtance, the court in the diſtrict to which I have the honor to belong, has more than once failed to be holden. At other times the arrival of the judges has been ſo late, that the proper buſineſs of the term could not be completed. Theſe failures occaſioned very great delay, expence and vexation, to the ſuitors; and we know, that the ſame or greater failures and delays have unhappily been experienced in other parts of the United States, failures and delays which I cannot attribute to any criminal negligence of the judges, but to the burthenſome duties impoſed by that ſyſtem, and the infirmities and accidents to which men muſt ever be expoſed, in the performance of labours ſo arduous and extenſive.

To prove, Sir, that judges of the ſupreme court muſt have been competent to all the duties of that and the circuit courts, the honorable gentlemen, who brought forward the reſolution, drew a compariſon from the courts and judges in England. He has told us, that in England there are but twelve judges, and three principal courts, that theſe courts embrace in their original or appellate juriſdictions almoſt the whole circle of human concerns, that the two courts of King's bench and common pleas, conſiſting each of four judges, entertain all the common law ſuits of 40s. and upwards, ariſing among nine millions of the moſt commercial people in the world, and that they have moreover the reviſion of the proceedings of all the ſubordinate courts in the kingdom down to the courts of pieponder; and that from long experience theſe courts have been found fully competent to all the buſineſs of the kingdom. This ſtatement, Sir, is by no means correct. In England the houſe of lords is the ſupreme court of appeals in the laſt reſort in cauſes both at law and in equity. Inſtead of three there are four ſuperior courts. The court of chancery, in which are decided all ſuits and matters in equity, including a very numerous and important claſs of cauſes. The courts of king's bench, common pleas and exchequer, all of which have original juriſdiction in civil cauſes; and the king's bench, beſide being the higheſt court of criminal juriſdiction, has alſo the correction and reviſion of the proceedings of all the ſubordinate courts by writ of error or otherwiſe. The ſubordinate courts, which were barely mentioned, are very numerous.—There are in England, excluſive of Wales, more than forty counties, all of which have their ſeparate courts and judges. Some of the counties are regular franchiſes. Lancaſter, Cheſter and Durham, have their ſeparate court, both of law and equity, which claim cognizance of cauſes and parties within their reſpective juriſdictions, even againſt the courts at Weſtminſter. There are alſo an immenſe number of cities and towns corporate throughout the kingdom, the courts and judges of which, tho' more or leſs limited in their juriſdiction, entertain a vaſt variety of civil ſuits. There are beſides theſe, the high court of admiralty, which has an excluſive juriſdiction in maritime cauſes; the courts of the two univerſities, the prerogative court of the archbiſhop of Canterbury, the archiepiſcopal biſhop of York, the diocean and other eccleſiaſtical courts, having alſo an extenſive juriſdiction of a civil nature in cauſes teſtamentary and thoſe relating to the diſtribution of the goods of inteſtates.

Wales is a principality, and its courts have excluſive original juriſdiction within the territory. The great ſeſſions is the higheſt court of the principality, from which a writ of error lies in the court of king's bench. The ſubordinate courts and judges are equally numerous in proportion to the territory and inhabitants with that of England. I omit the courts of conſolence and other inferior courts, and magiſtrates almoſt without number. From this view, though imperfect, it is evident that the compariſon attempted by the honarable gentleman is by no means favourable to his concluſion. The population of the country exceeds in number that of the U. States by one third, perhaps more, but its whole extent excluſive of Wales, though not comprehended in the niſi prius circuits, does not equal one of the circuits of the United States, under the ſyſtem of 1793; and yet that country employs, it is believed, more courts and judges not only than the government of the United States, but than all the individual ſtates taken in addition. I do however conceive that any advantage is to be derived from the compariſon to the one ſide or the other. The ſituation of property and civil policy, numerous and complicated rights, introduced by ancient [illegible] and ſupported by law [illegible] habits, and by intereſts public and private, may render a greater number of courts and judges, a more extenſive judicial ſyſtem neceſſary in one country than in another—I think it ought to be laid wholly out of the queſtion.

It has been ſaid that a knowledge of the local laws, of the cuſtoms and manners of the ſeveral [illegible] neceſſary to the judges [illegible] courts, and cannot be [illegible] with on appeals in cauſes a [illegible] ferent parts of the union [illegible] the judges can acquire this [illegible] in no way but by attending [illegible] courts in the ſeveral [illegible] Sir, tha [illegible] of the ſeveral ſtates, whic [illegible] from the common law, are to be found in their ſtatute books, in the deciſions of their courts and their rules of practice, for no cuſtom can avail, become a law, until it ſhall have been adopted

by ulages and eſtabliſhed by judicial deciſions. All theſe may be made to appear on an appeal, either on the face of the record, in the pleadings, or in a ſpecial verdict, or by proper exemplification, and will afford the court in ſuch caſe, a more correct knowledge, than the recollection of a judge, of what he has caught in the hurry and fatigue of the circuit.

A further objection has been urged againſt the continuance of the preſent judicial ſyſtem, from the additional number of judges which it has introduced, which, it is ſaid, may prove dangerous to the liberties of the country. An honorable gentleman from Georgia, (Mr. Jackſon) cited the opinion of an author who has written on the Britiſh conſtitution, that the greateſt political evil which could befal a country was the exiſtence of large judiciary bodies, and who had illuſtrated his ideas on that ſubject by inſtancing the parliaments of France. This obſervation does not, neither was it meant by the author to apply to any particular number of courts in due ſubordination, each conſiſting of a ſmall and limited number of judges, and employed ſolely in proper judicial buſineſs. But it applies with force to courts compoſed of numerous bodies of members, and who in addition to their former judicial functions, are permitted to aſſume an authority in the political concerns of the nation. Such were the parliaments of France, the late judicial courts of that country; particularly the parliament of Paris. The body of members was very numerous, and as it was neceſſary that all royal edicts before they were to be conſidered as laws, ſhould be regiſtered in that court, they claimed the right of deliberating and deciding on the regiſtration of an edict offered by royal authority, and conſequently of permitting or refuſing it the ſanction of a law. With this claim that body certainly became dangerous to the exiſting government, and the conteſt which enſued between them and the king on this ſubject, had no doubt a powerful effect in precipitating the late revolution in that country. But there is nothing in all this which can be applied to the courts of the United States. Let me obſerve, Sir, that there has always appeared to me in the ſyſtem of 1793, which is ſought to be reſtored, a very great and manifeſt impropriety. The circuit courts were in that ſyſtem, tho' ſubordinate, in ſome meaſure blended with the ſupreme court, one or more of the judges of the ſupreme court being always judges of the circuit courts. This rendered the ſupreme court a fluctuating body, ſome of the judges of the ſupreme court being always excluded in the deciſion of cauſes coming by appeal from the different parts of the U. States. And when two ſupreme judges held the circuit courts, of the four remaining judges, who were to decide on an appeal, three might reverſe a judgment againſt the opinion of the fourth, and the opinion of the two judges in the circuit court. This has always appeared to me, to ſay no more, a very glaring impropriety in that ſyſtem. The circuit courts under that ſyſtem have indeed been compared to the niſi prius courts in England, but the ſlighteſt attention will convince any one that they do not compare. The circuit courts in our ſyſtem are courts of original and diſtinct juriſdictions; not ſo the courts of niſi prius in England—they are conſidered as a branch of the ſuperior courts at Weſtminſter, and are held by a commiſſion of aſſize uſually iſſued to a judge of one of the ſuperior courts, and an aſſociate for each of the ſix circuits into which England is for that purpoſe divided. When a cauſe in any of the ſuperior courts is by the pleadings put on an iſſue of fact, it is with the record ſent to be tried at niſi prius by a jury of the proper county; inſtead of calling up a jury to try it at a bar in Weſtminſter [illegible]. After the trial at niſi prius, [illegible] with the record is remitted [illegible] court, out of which it was [illegible] there the opinion of the niſi [illegible] judge and the conduct of the [illegible] are examined and conſidered as [illegible]ers paſſing in the ſame court. [illegible]en the compariſon wholly fails; [illegible]re is no ſimilarity between the two ſyſtems, except that of a judge riding the circuit.

Here, Sir, I ſhall wave any farther obſervations on this part of the ſubject, and come to the great queſtion which it is neceſſary to decide. Have Congreſs the conſtitutional power to repeal the law as contemplated by the honorable mover of this reſolution? To aboliſh the courts eſtabliſhed by this law, put down the judges and aboliſh their ſalaries? It is true, as was obſerved by the honorable gentleman from Georgia, (Mr. Baldwin) that the reſolution does not neceſſarily involve that queſtion, becauſe the repealing act, if the reſolution ſhould be adopted, may be ſo modified as to avoid any difficulty on the great point. But as the honorable mover avowed his intention to be an aboliſhion of the courts, the offices of the judges and their ſalaries, and as the principal arguments have in the courſe of this debate been directed by that view of the ſubject, I ſhall be permitted to conſider it on that ground.

One ſource of argument in favor of the meaſure propoſed, has been derived from the powers conſidered as incident to every legiſlative body. It is ſaid that a power to repeal all its legiſlative acts is inſeparably incident to every ſovereign legiſlature—that the act, the repeal of which is contemplated, is a legiſlative act of Congreſs, therefore Congreſs neceſſarily have the power to repeal it—that to admit the contrary, is to ſay that the power of Congreſs at one time is not equal to its power at another time—that a ſubſequent may be bound by the acts of a former Congreſs, contrary to a very important maxim in legiſlation—in a word that it is to make the creature greater than the creator, as it denies to Congreſs the power over its own acts, which it has paſſed, and will in courſe put a ſtop to all amendments, all improvements of our laws. This doctrine, here meant to be aſſerted, is not in the full extent applied to the legiſlative powers under our conſtitution. There are acts which Congreſs are by that inſtrument expreſsly denied the power of paſſing—there are acts which whether paſſed, Congreſs cannot repeal, or rather the effects of which they cannot even ſuſpend, much leſs can they deſtroy. They are expreſsly denied the power of paſſing ex poſt facto laws; and this applies no leſs forcibly to a repealing act than to any other act—it is by its operation that the nature of the act is in this caſe determined. Every act which by its operation attempts to diveſt any right previouſly acquired, whether by a former act of legiſlation, or by any other lawful means of acquiſition, is in name, nature and eſſence, ex poſt facto.

Indeed, ſir, I apprehend that ſome gentlemen have been led into a miſtake on this ſubject, by an incautious admiſſion of maxims and theories of legiſlative powers in another government; but which do not apply to our government, as inſtituted and limited by our conſtitution. There are, ſir, in every nation two kinds of legiſlative powers. The one is original and extraordinary; and may be called the power of political legiſlation. It is by an aſſociating nation employed in forming and organizing the government, in diſpoſing its powers and defining, or limiting their exerciſe. The other is derivative, the ordinary power of legiſlation, and is employed in the civil regulations of the community. In the firſt conſiſts the political ſovereignty of the nation. This power is tranſcendant. It is paramount to all other powers in the nation. It can create powers, rights and duties, and can aboliſh them at pleaſure; not becauſe what it does, is always wiſe or even juſt; but becauſe no other power in the nation can have a right, or can be equal to controul its operations. In Great Britain, from ancient uſage, the conſent of the nation witneſſed by long and general acquieſcence, both the ordinary and the extraordinary powers of legiſlation are conſidered to be veſted in the parliament of the nation—acting in this capacity of political ſovereign of the nation, the Britiſh parliament can create rights, and can deſtroy exiſting rights at will; although in exerciſing ſuch acts of power, they proceed with great caution, and are careful to indemnify individuals whoſe rights they may have injured. In this capacity, it can, as it has done new model the government. It can fix and alter the duration of parliaments, and change and limit the deſcent of the crown. Indeed veſted with this power, in addition to the ordinary powers of legiſlation, the figure is hardly too bold, by which when acting on ſubjects within the reach of its authority, it is ſaid to be omnipotent. Not ſo the congreſs of the United States, they poſſeſs not that tranſcendant power, that uncontrolable ſovereignty of the nation; they poſſeſs the ordinary powers only of legiſlation; and theſe powers, they derive under the conſtitution of the United States; by this inſtrument their powers are inſtituted, limited and defined. This inſtrument is the act of the political ſovereign, the people of the United States. To them it was propoſed, and they through their agents impowered for that purpoſe enacted it the fundamental and ſupreme law of the national government. They have ſaid, as they had a right to ſay on this ſubject, congreſs ſhall act; or that they ſhall act at their diſcretion; here the conſtitutional power is limited, there is placed a barrier which ſhall not be paſſed. Congreſs, as I obſerved, poſſeſs not this paramount power; but in one mode, provided for altering and amending the conſtitution, they are under certain reſtrictions, permitted an inceptive power. They have a right to originate propoſals of amendments, which when ratified by three fourths of the State legiſlatures, to which the national ſovereignty is in this inſtance referred, are adopted into and become a part of that inſtrument; in another mode, the ſtate legiſlatures have the power of inception. They alſo may originate propoſals of amendments, which congreſs muſt refer to a convention of the people for their ultimate acceptance and ratification. In this inſtance alone have the people of this country reſerved to themſelves a portion of the national ſovereignty, in the exerciſe of which only is found that voice of the people, which, becauſe it is not to be reſiſted, is ſometimes called the voice of God. This, ſir, is the authority of that ſupreme law under which we act, the conſtitution of the United States; an authority indiſpenſibly binding. We have no right, when we wiſh to carry a favourite meaſure to which we find ſome barrier oppoſed by the conſtitution, to proſtrate or overleap that barrier. We have no right to ſay that the national ſovereign, could it now be conſulted, would diſpenſe with the limitation, would remove the barrier, which, in our preſent opinion, ſtands oppoſed to the public good.—No ſir, we may not approach this ground. It is dangerous; it is an uſurpation of the national ſovereignty.—We are but agents of the nation acting under a limited authority—All our acts which exceed that authority are void.

Theſe are the principles to be applied in the inveſtigation of conſtitutional powers.—Let us then examine the conſtitution upon theſe principles, and fairly determine whether we are permitted the power for which it has been contended, the conſtitutional power to remove a judge, by aboliſhing the office, and conſequently to deprive him of his ſalary? The firſt proviſion which we find in the conſtitution relating to the judicial department is in the ſecond ſection, where among other powers enumerated, it is declared that Congreſs ſhall have power "to eſtabliſh tribunals inferior to the ſupreme court."—Upon this it was obſerved by the honorable gentleman from Georgia (Mr. J.) that this being a grant to Congreſs of a legiſlative power to eſtabliſh inferior courts, neceſſarily includes the incidental power to repeal; that this being a firſt grant cannot be reſtrained nor taken away by any ſubſequent proviſion in the conſtitution upon the ſame ſubject; that we are to take the rule of conſtruction that the firſt grant and the firſt words of the grantor in a deed, ſhall prevail over a ſubſequent grant or ſubſequent words of a different import—Are we, indeed, ſir, to apply in the conſtruction of the conſtitution, the law, the ſupreme law of the nation, the rules deviſed for the conſtruction of a deed, a grant, by which a few paltry acres are transferred from one individual to another? No, ſir, very different are the rules of conſtruction; the firſt act of the grantor but the laſt act of the legiſlature ſhall prevail; or where in any caſe is the power to repeal? Another rule more univerſally applicable is that you ſhall ſo conſtrue a law that every part of it if poſſible may ſtand together, that every part may have its operation. Thus if there be a general proviſion in the former part of a law, and there follow a particular proviſion, which cannot take effect unleſs ſome part of the former proviſion be ſet aſide, the latter ſhall be conſidered as a limitation of the former, and which ſhall be carried into effect ſo far only as it is not incompatible with the latter.

In the 3d ſection of the conſtitution, is a further proviſion, "that the judicial power of the United States ſhall be veſted in one ſupreme court and in ſuch inferior courts as the Congreſs may from time to time ordain and appoint." The higheſt judicial authority ſhall not be divided into two courts. It ſhall, to uſe a ruder phraſe, be one and indiviſible. I conſider it as imperative to Congreſs to eſtabliſh not only a ſupreme court, but alſo to eſtabliſh ſome courts of inferior juriſdiction, which may be modified and extended from time to time as experience and future expedience ſhall dictate, ſo that it be without violence to any part of the conſtitution. The words "as Congreſs may from time to time ordain and appoint," were introduced with intent ſo far to give a diſcretion on the ſubject. The power of erecting courts is here taken for granted, and is contained in the clauſe before cited from the 2d ſection ſupplied by the general clauſe, by which it is declared, that "Congreſs ſhall have power to make all laws which ſhall be neceſſary and proper, for carrying into effect all the powers veſted by the conſtitution in the government of the United States, or in any officer, or department of the government." I cannot underſtand it, for how is it poſſible ſo to underſtand it that the words "may ordain and appoint" in their connexion imply alſo a power to aboliſh; certainly it is not a neceſſary implication. That Congreſs are required to make a proviſion of inferior courts, that the thing is not merely optional, is clear from another part of this ſection, declaring to what claſs the judiciary of the United States ſhall be extended. (Read that part of the ſect.) Here obſerve, the ſupreme court has original juriſdiction in the ſmaller number only of the caſes ſpecified; ſo that without a proviſion of inferior courts, there would be no proviſion for the greater number, and the judicial authority, inſtead of being extended to all the caſes enumerated, would in fact be limited to a few only. Let us now examine the proviſion relating to the judges, which is contained in the former part of this ſection; a proviſion intended to ſecure to the judge a proper degree of independence. It is declared, that "the judges both of the ſupreme court and inferior courts, ſhall hold their offices during good behaviour. The judges of all the courts are placed on the ſame footing. The expreſſion is not, that they ſhall continue in office, which might ſeem to be compulſory, but ſhall hold their offices, implying at their option, during good behaviour. For a judge may reſign; he may accept a place incompatible with the office of judge, as he may on election accept the place of ſenator or repreſentative in Congreſs, by which his office of judge would be vacated by his own act, implying a reſignation. The force of the expreſſion clearly is, that no judge either of the ſupreme or inferior courts, ſo long as he continues to behave well, can be removed from the office, or the office removed from him by the act of any other. For the expreſſion being general with one only exception, in the nature of a proviſo, that he continues to behave well, it is excluſive of every power, either to remove the judge from the office, or, as has been ingeniouſly indeed ſuggeſted, of recovering the office from the judge, cauſing it to vaniſh from his hold on any other ground or pretence whatever. It is a well known rule, that the expreſſion of an exception in any proviſion, excludes every exception by implication. Next it follows, "and ſhall (the judges ſhall) at ſtated times receive for their ſervices a compenſation, which ſhall not be diminiſhed during their continuance in office." How long ſhall they continue to receive, or be entitled to receive an unimpaired compenſation or ſalary? So long as they ſhall continue to behave well. That is, the duration of the time for which they ſhall be entitled to receive an undiminiſhed ſalary ſhall be equal to the duration of the time for which they are entitled to hold their offices, equal to the duration of the time in which they ſhall continue to behave well. What rarely happens in ſubjects of this nature, the poſition, that the judges cannot during good behaviour, without a direct violation of the conſtitution, be deprived of holding their offices, or of receiving their ſalaries, is capable of the higheſt proof, not only by a train of probable and metaphyſical reaſoning, but by the cleareſt and plaineſt mathematical demonſtration. It is a compariſon of quantities in the duration of time; or ſhall it now for the firſt time be ſaid, that when one quantity or one length of duration is equal to a ſecond, and the ſecond to a third, that nevertheleſs they are not equal each to the other? Have intuitive truths at length changed their nature? Are they in theſe times inverted to falſehoods? Have the cleareſt axioms of ancient ſcience ſuffered a revolutionary ſubverſion? No, Sir, they remain the ſame; they are ſtill capable of aſſiſting us to the ſame infallible concluſions.

The honorable gentleman from Kentucky has told us, that if the conſtruction againſt which he contended had been contemplated by the framers of the conſtitution, it would have been explicitly declared: that the judges ſhall hold their offices and ſalaries during good behaviour, fairly admitting, that a declaration thus explicit would have been concluſive for the conſtruction of his opponent. Surely it will not be contended, that the idiom of the Engliſh language is ſo inflexible, and its interpretation ſo preciſe, that identical poſitions to be equally clear and explicit, can be expreſſed by identical words and phraſes only. Had the expreſſion been, they ſhould hold their offices and receive their ſalaries during good behaviour, would not the meaning have been the ſame and equally expreſſive? Indeed the word hold, though well applied to an office, is not very properly applied to taking the payment of a ſalary. Or had it been, 'they ſhall hold their offices during good behaviour, and while they continue in office, which is to be during good behaviour, they ſhall continue to receive their ſalaries, which ſhall not during that time be diminiſhed,' it certainly would have been a declaration equally explicit with that ſuggeſted by the gentleman. And this it has been clearly and demonſtrably proved, is the ſame as that which is expreſſed in the conſtitution.

I will here, Sir, though it might perhaps have been more properly done before, make a few obſervations on the independence of the judiciary. It has been ſaid by ſome gentlemen in effect, that though the judges ought to be independent of the executive, though they ought not to hold their offices or ſalaries, dependent on the will of the preſident, yet, in a government like ours, there can be no reaſon why they ſhould not like the other departments of the government, be dependent on public opinion, and on Congreſs as properly repreſenting that opinion. That if the judges are made thus independent, if Congreſs cannot remove them by aboliſhing their offices or in any other way except that of impeachment for miſbehaviour, they will become a dangerous body *in the ſtate*; they may by their diſcuſſions on the conſtitutionality of a law obſtruct the moſt important meaſures of government for the public good. Unfortunately for the argument, this doctrine agrees neither with the nature of our government, which is not veſted with the unlimited national ſovereignty, but from that derives its powers, nor with the poſitive and ſolemn declaration of the conſtitution. That conſtitution is a ſyſtem of powers, limitations, and checks. The legiſlative power is there limited, with even more regarded caution than the executive; becauſe not capable of a check by impeachment, and becauſe it was apprehended, that left unlimited and uncontrouled, it might be extended to dangerous encroachments on the remaining ſtate

powers. But to what purpose are the powers of Congress limited by that instrument? To what purpose is it declared to be the supreme law of the land, and as such binding on the courts of the United States, and of the several states, if it may not be applied to the derivative laws to test their constitutionality? Shall it be only called in to inforce obedience to the laws of congress, in opposition to the acts of the several states, and even to their rightful powers! Such cannot have been the intention. But, sir, it will be in vain long to expect from the judges, the firmness and integrity to oppose a constitutional decision to a law either of the national legislature, or to a law of any of the powerful states, unless it should interfere with a law of congress; if such decision is to be made at the risk of offices and salary, of public character and the means of subsistence. And such will be the situation of your judges, if congress can by law or in any other way except by way of impeachment, deprive them of their offices and salaries on any pretence whatever. For it will be remembered, that the legislative powers of the several states as well as those of congress, are limited by the constitution. For instance they are prohibited as well as congress, to pass any bill of attainder or ex-post facto law. The decisions of the judges upon such laws, and such decisions they have already been called upon to make, may raise against them even in congress the influence of the most powerful states in the union. In such a situation of the judges, the constitutional limitation on the legislative powers, can be but a dead letter. Better would it be they were even expunged.

Thus, sir, it appears, that the independence of the judges, even of congress in their legislative capacity, is agreeable to the nature of our government, to the whole tenor as well as the express letter of the constitution. But, sir, at this late stage of the debate I will not further enlarge; I will only add that upon these principles, and with these views of the subject, I shall give a hearty negative to the resolution on your table.

(Debate to be continued.)

HOUSE of REPRESENTATIVES OF THE UNITED STATES.

MONDAY, January 25.

Mr. Rutledge called up for consideration the resolution which he moved on Friday, on which the previous question was then taken.

"*Resolved*, That the committee of ways and means, be instructed, *particularly*, to enquire into the expediency of reducing the duties on brown sugar, coffee and bohea tea."

Mr. Griswold hoped the resolution would be decided upon.

Mr. Rutledge hoped the reference would obtain. These articles paid the highest rate of duties and were of the first necessity. In looking over the rates of duties on import, he saw many articles that were taxed enormously high. Those in the resolution were of the first necessity, the duty high, and laid when they were at war prices; while the people received war prices for their produce, they could with convenience pay for these articles tho' high. The object of the resolution was merely to enquire, and he did not see how it could interfere with any object gentlemen have in view.

Mr. Dana. I beg liberty to tender the homage of my profound respect, for the dignified situation in which gentlemen have now placed themselves, and congratulate them on their silence. There is something peculiarly impressive in this mode of opposing every thing that is urged. It is seldom that gentlemen have exhibited such a remarkable appearance of a philosophical assembly.

That dumb Legislature will immortalize your name—is said to have been the language of a certain distinguished general to a certain nominal Abbe, who has been represented as having pigeon-holes full of constitutions of his own making.

During the memorable night, at St. Cloud, when the French council of ancients and council of five hundred were adjourned—to meet no more—it may be recollected, the powers of executive government were provisionally committed to three persons styled consuls, and two of them were the General and the Abbe. From each of the councils, twenty five members were selected, to compose a commission, and assist the provisional consuls in preparing a constitution for France. Of the numerous *projects* of the constitutions which were presented by the abbe it is said, no part was finally adopted, except the plan of a dumb legislature. This, the general instantly seized, with apparent enthusiasm, exclaiming to the Abbe, *that dumb legislature will immortalize your name.* And it was determined to have a *corps legislatif* that should vote but not debate.

It was scarcely to be expected that any thing like this would soon take place in our own country. But it is the prerogative of great geniuses, when in similar circumstances, to arrive at the same great results, although with some difference in the process. Nor can I forbear offering my tribute of admiration for the genius who has projected a mode of proceeding among us, that so nearly rivals the plan adopted in France. I know not to whom is due the honor of this luminous discovery. After ascribing to them however all merited glory, permit me to examine the force of the argument relied on by gentlemen in opposition to the proposed resolution.

Their argument is silence. I hope to be excused, if I should not discuss the subject in the most satisfactory manner; as silence is a new species of logic, about which no directions have been found in any treatise on logic that I have ever seen. It will be my endeavor to reply to gentlemen by examining some points which may be considered as involved in their dumb arguments.

One of these points is—that certain members of this house have pledged themselves, to their constituents, for repealing all the internal taxes. They may have declared their opinions to this effect, before their election; and, being chosen under such circumstances, may now deem themselves bound in honor not to vary. The terms assented to between their constituents and themselves may therefore be viewed, by them as the particular rule for their own conduct. But is this house to be regarded in the same light with the English house of commons, during the early period of their history, when the knights of shires and the representatives from cities and boroughs were instructed on what terms they should bargain with the crown for special privileges, and were limited to the price agreed on by their constituents? The situation of gentlemen, who have thus pledged themselves to vote for repealing the internal taxes, must be irksome indeed, if on mature consideration they should believe it more proper and more beneficial for the country to have other taxes reduced. Those who have entered into a stipulation of this sort so as to feel it as a point of honor are so peculiarly circumstanced that they might think it too assuming in me, were I so much as to express a desire that they would vote for reducing some of the duties on imports, instead of repealing all the internal taxes. It is to be hoped, the number of members who have pledged themselves in this manner, does not exceed twenty-five or thirty.

Another point involved in this argument of silence is—that other gentlemen may have pledged themselves to these, and given them a promise of support on this subject. It must be acknowledged that this is more than was required on account of their seat in this house. If any gentlemen have absolutely so pledged themselves to others who had before pledged themselves to their constituents, it must be indeed difficult to convince them. On this point, their minds must be constituted so differently from mine, that there does not seem to be any common principle between us that can be assumed as the basis of argumentation.

Another point is—The executive has recommended a repeal of all the internal taxes, and not a reduction of the impost. And will gentlemen act upon this as a sufficient reason for their conduct? Is it now to become a principle, that the executive is to deliberate, and the legislature to act, and that no measure is to be adopted unless proposed by the executive? Would it not be better for the country to abolish this house, and so avoid useless expense, if it is to be nothing more than one of the ancient parliaments of France employed to register the edicts of a matter?

The silence of gentlemen may also be considered as having relation to their great desire for the harmony of social intercourse. To prevent its being disturbed in the house by debating, they may have come to a determination, that all the great questions shall be settled by gentlemen of a certain description, when met in nocturnal conclave, and be only voted upon in this place. If such be the fact, it seems but reasonable that any of the members of this house should be admitted in meetings of the conclave, as delegates from the territorial districts are admitted in congress, with a right to debate, although not to vote. If, however this is thought too much, gentlemen should at least have galleries provided, so that other members of the legislature might be admitted as spectators, and have some opportunity of knowing the reasons for public measures.

The question was called for—when Dr. Eustis begged the speaker to state it, as in listening to the arguments of the gentleman from Connecticut, he had forgotten it.

Mr. Rutledge said he was much pleased by the question of the honorable gentleman from Massachusetts; when gentlemen ask what is the question? 'Tis to be hoped they will respect its merits: but from the scene this day acted, he had learned the only enquiry with gentlemen would be, *from what side does this come?*

The question was then taken by yeas and nays, and lost; Yeas 35; Nays 58.

I INTEND leaving the state for a few months, during which time Mr. Andrew Nicolson, of Manchester, is fully empowered to transact any business on my account.

GEO. NICOLSON.

Richmond, Feb. 18, 1802. 3w

Foreign Intelligence.

PARIS, December 4.

The National institute having been formed during a period of war, the nomination of foreign associates was necessarily suspended. To this suspension peace has put an end. In the general sitting of the 26th ult. when all three classes of the institute were assembled, each of them presented three candidates, from which, on the 15 Jan. the institute are to chuse a first associate for each class.

The three candidates for the class of Mathematical and Physical science, are Messrs. Banks (Sir Joseph) Maskelyne, and Herschell.

The candidates for the class of Moral and Political Science, are Mr. Jefferson, President of the United States, Major Rennel, and count Rumford.

The candidates for the class of literature and the fine arts are Messrs. Hadyn, Sheridan and Klopstock.

Each class, before they presented their three candidates to the election of the United classes, was forced to make its election from a larger number of candidates presented to them by a committee composed of a number of each section.

LONDON, Dec. 7.

Yesterday was received some fresh sets of Paris papers of the 1st instant. They contain particulars unnoticed in the Moniteur of the same date, which reached us on Saturday.

The journal du commerce of the 1st inst. states, that Marquis Cornwallis left Paris on the 30th ult. at noon for Amiens.

Viscount Nelson had a long interview yesterday with the lords of the admiralty, previous to his Lordship's taking the command of a fleet destined for a foreign service.

We understand that M. Otto is to remain in his new situation of Minister Plenipotentiary, to which his merits so justly entitled him, only until the signing of the definitive treaty, and the arrival of the regular ambassador from France. He is then to be appointed minister to the United States of America.

Private letters from Paris state, that Joseph Buonaparte will be the new ambassador. It was under consideration to confer this dignity upon Moreau; but the general took frequent occasion both in public and private circles, to express his reluctance to accept the office.

December 12.

MUTINY.

Considerations of delicacy, as well as of a public nature, for which we trust our readers will give us credit, deterred us yesterday from laying before the public some very disagreeable information which we had received respecting the fleet in Bantry Bay, the crews of which had manifested symptoms of a mutinous disposition. In now making this communication, we have inexpressible satisfaction in being able to add, that it has been entirely suppressed by the decisive measures and spirited exertions of the officers, particularly of Rear-Admiral Campbell, on board whose ship, the Temeraire, it broke out.

It seems, that on its being understood that four or five sail of the line were to be ordered for the West-Indies, the crews of the Temeraire and the Formidable declared, that as the peace was made they should sail only to England. They came on deck, and declared their determinations not to weigh anchor, if called upon. Apprehensions were entertained that this spirit of insubordination would extend thro' the whole fleet.

This account was received on Sunday night; in consequence of which Mr. Addington set off very early on Monday morning for Brentwood, where earl St. Vincent has been for some days on account of his health, to consult with his Lordship on the steps that should be immediately taken. Mr. Nepean and Sir T. Troubridge, met him there. A cabinet met yesterday on this very important occasion, which sat three hours, and was attended by all the members of administration; and at which we understand, the most vigorous and decisive measures were determined on. These have happily been rendered unnecessary, by the glorious and creditable efforts of Admiral Campbell, captain Eyles, and the officers and marines of the Temeraire who behaved in the most exemplary manner, obeyed all the orders given with the greatest alacrity. The admiral himself seized several of the ringleaders; and when the account came away, perfect tranquility and subordination were by these timely marks of spirit and determination, restored on board the ship where this disgraceful disturbance first broke out. There was every reason to believe that the ships under orders would proceed to sea with obedient and repentant crews, of whose misconduct, we trust, that this will be the last instance.

Yesterday a cabinet council was held at Lord Hawkesbury's office, on the dispatches received on Thursday last from Marquis Cornwallis, at Amiens. Most of the foreign ministers attended, so that it is probable the deliberation related to their respective courts. The Portuguese minister was present, and this day his excellency sets off for Amiens. It is supposed that the business of settling the boundary of Guyenne is the object of his journey.

The Virginia Gazette.

—*RICHMOND*—

TUESDAY, FEBRUARY 23, 1802.

RICHMOND PRICE CURRENT.

STOCK.

Six per Cents,	-	18/3
Three per Cent,	-	10/6

COURSE OF EXCHANGE.

On London at 60 days, 30 per cent.

PRODUCE.

Richmond Tobacco,	26/ to 27/	Cash.
Flour, Fine,	30/	Cash
Ditto, Superfine,	33/	Cash.
Wheat, Red,	6/	
White,	6/	
Indian Corn,	18/	per barrel
Hemp,	£ 45	per ton.

A letter received at New-York, on the 19th instant, by the brig Washington, in 15 days from the Havanna, mentions, that a few days previous to the sailing of the brig, five Spanish ships of war had arrived there from Spain; and it was rumoured that all American vessels then in port, would shortly be ordered away, and no more permitted to enter.

The French Tribunate ratified the American Treaty, 84 votes to 3.

Appointment by authority.

JOHN M. FORBES, of New-York, Consul of the United States at Hamburg—vice BENJAMIN GRAY ORR, resigned.

Extract of a letter from William Kirkpatrick, Esq. to the Secretary of State, dated at Malaga, Sept. 22, 1801.

"I am happy in having it at last in my power to announce to you, that the rigorous quarantine, which has been imposed for near a twelve month past on all vessels from America, has at last been reduced to ten days, which is a great alleviation to our merchant vessels trading to this country."

Extract of a letter from a gentleman of the first respectability in Amsterdam to a merchant of Philadelphia. In speaking of the peace he observes

"It is supposed that the navigation of Antwerp will be again shut, which will prove very advantageous to this place—and that Brabant will be restored to Austria, which will be a loss to France, and of course will operate favourably to Great Britain. Should the port of Antwerp be shut, Amsterdam will again flourish, and become the grand depot of Germany for all American produce. If not, Antwerp will flourish, and Amsterdam will dwindle to nothing.

Extract of a letter from Capt. Clarke, of the sch'r. Cutter, to his owners in New-York, dated Maricaribo Bar, Dec. 15.

"We arrived here after a passage of 20 days. The first 9 days after we left New York we had three heavy gales of wind, which obliged us to throw overboard 4 crates earthenware that was on deck. I am sorry to inform you that the markets are dull, and overstocked with provisions and dry goods. Flour is selling from 10 to 12 dollars per barrel. I had the honor to receive the governor and his suite, who were on a party of pleasure at the Castle, to go up in the sch'r. to the city of Maricaibo. His excellency informed me that he had received accounts of the peace 5 or 6 days before my arrival."

Hampden Sidney,

January 22, 1802.

THE TRUSTEES of the College wish to inform the public, that the buildings are in good repair for the reception of Students; and that the Rev. Archibald Alexander, who some months ago gave up the charge of the College as President, has consented to return, and has been re appointed to that office. 4w

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FOR SALE.

On the premises, on the 3d day of March next, if fair, if not the next fair day, that valuable property well known by the name of

SEAWELL's TAVERN,

CONTAINING 210 acres, more or less, lying in the county of Gloucester, five miles from Gloucester Town, and ten miles from the Court-house. There is on the land a good dwelling-house, kitchen and stables; also, a good apple orchard, with a race ground, equal, if not superior to any in this state. The place is well situated for a tavern, store, or a country seat, being convenient to fish and oysters; the soil is adapted to the culture of corn, wheat, and tobacco, with a plenty of oak and pine timber. The terms of sale are, four hundred pounds, cash, and twelve months credit will be given for the balance of the purchase money; for which a mortgage on the land will be required, by

JOHN SEAWELL, Jun.
Attorney in fact, for
JOSEPH SEAWELL, Sen.

February 14, 1802. 3t.

By virtue of two deeds of trust executed to the subscriber by William Mead, will be exposed to sale, at public auction, for ready money, on the premises, for the purpose of discharging a debt due to Thomas Goodwin, Esq. of Fredericksburg, and a debt due to Mr. Joseph Sandidge of Louisa; on Saturday the 27th day of March next, the

Tract of Land,

WHEREON the said Mead now resides, on Contrary River, in Louisa county, containing 216 acres, more or less and is adjoining the lands of George and Joseph Boxley, Walter Lewis, William Kimbrough, John Burrass, John Gibson and Daniel Ford.

SAMUEL OVERTON, jun. *Trustee.*

Louisa county, Feb. 8, 1802. tdf

Sales at Auction.

THE subscriber again beg leave to inform their friends and the public, that being still desirous to close Sales of a considerable consignment of MUSLINS, consisting of elegant tamboured, printed, lappel, and printed shawls, amounting to £700 sterling, offer them at currency for sterling, for Tobacco, of good weights, of the Richmond or Manchester inspection, at 33s per cwt. or approved notes, or acceptances, at 6 months.

PROSSER & MONCURE, V. M.

P. S. Will be sold on the premises, on Saturday the 20th March, at 11 o'Clock, A. M. for approved notes at 60 days, One Square LOTS, on Shockoe Hill, within the corporation of the city, and known by the Nos. 59, 60, 67 and 68, in Wm. G. Payne's platt, dated 10th January 1799.

Also—One Lot, known by the No. 63, adjoining the Lots of Mr. Patrick Gibson.

P. & M. V. M.

Richmond, Feb. 22, 1802.

Sales at Vendue,

BY PROSSER & MONCURE.

On Monday the 3d day of May next, (the day preceding the Richmond Races,) at 11 o'Clock, A. M. on the premises, viz.

ONE SQUARE, of four half Acre Lots, on one of which are erected, the most convenient and desirable BUILDINGS in this city—the present residence of the subscriber.

Five other Lots between the Bason and the River, severally improved, viz; A two story dwelling-house, with stables, garden, and offices complete.

Another comfortable Dwelling House; Stables, Garden and Offices as above.

Another smaller detached dwelling House, with garden only.

A Store-House, now under rent for 150 dollars per annum; and the fifth, containing only a small stable for three horses, and carriage house.

With the view of affording a better estimate of this very valuable property, further information may be gained upon application to the Auctioneers.

The terms of sale will be, one fifth paid down, or on a credit of 60 days; the balance in four equal semi annual instalments, satisfactorily secured—on interest from the date, if not punctually paid.

Possession, and a clear legal title, will be given, to the entire accommodation of the parties concerned.

D. M. RANDOLPH.

Richmond, Feb. 12, 1802. cotds.

Wanted as a Tutor,

IN a private family, a person who is capable of teaching the English and Latin Languages, also writing and arithmetic. Such a one who can come well recommended, as to his sobriety and good demeanor will meet with generous encouragement. Apply to the printer hereof.

Feb. 15, 1802.

Diſſolution of Partnerſhip.

THE public are hereby notified, that the Partnerſhip in Trade, formerly carried on by David Buchanan, James Dunlop, and Robert Pollok, under the firms of

BUCHANAN, DUNLOP, & Co.
In Peterſburg,
DUNLOP, POLLOK, & Co.
In Manchester, and
ROBERT POLLOK, & Co.
In Richmond,

Was diſſolved, on the 31ſt day of Auguſt laſt.

Mr. James Dunlop will pay and receive all debts due by and to the concern, at Peterſburg, as will Mr. Robert Pollok, thoſe at Richmond and Manchester.

David Buchanan,
per his Attorney in fact,
Robert Pollok.
James Dunlop.
Robert Pollok.

Peterſburg, 8th Oct. 1801.

The Subſcriber, having taken the

Raleigh Tavern,

IN the City of Williamſburg, under his own management; and having laid in a large ſupply of the beſt wines and other LIQUORS, is encouraged to ſuppoſe, from his former ſucceſs in this line of buſineſs, that he ſhall be able to give complete ſatisfaction to travellers and others who ſhall reſort to his houſe for entertainment. He alſo with pleaſure informs the public, that owing to the fall which has taken place in the price of moſt of the productions of the country, he is enabled to reduce the Stage Rates to what they formerly were. Baggage carried as uſual, at the riſque of the owner.

Philip Moody.

Williamſburg, Dec. 24, 1801.

NOTICE.

The Subſcribers have formed a Commercial connexion, under the firm of

Long and Crews.

THEY will be principally concerned in the purchaſe of Country Produce.

Should any buſineſs be offered in the Commiſſion Line, it will meet due attention from *Thomas Crews*, reſiding in Lynchburg, and *Will. Long*, here.

Their Office is on the ſecond ſtory above Meſſrs. ELLIS & ALLAN's Store.

Will. Long,
Thomas Crews.

Richmond, Jan. 1ſt, 1802.

KNOWSLEY,

The moſt elegant and high formed Engliſh Horſe, 15 hands 3 inches high, a fine bay, 6 years old laſt May, in great perfection, and as to muſcular ſtrength and beauty not inferior to any horſe in the ſtate, which will be readily acknowledged by thoſe who will take a fair and impartial examination of him, full of vigour, and entirely clear of blemiſh—will ſtand at my ſtable on *Sandy Point* the preſent ſeaſon; and will cover Mares at SIX GUINEAS, which may be diſcharged by the payment of TWENTY DOLLARS on or before the 10th day of Auguſt next: TEN GUINEAS to inſure a colt, and THREE by the Leap, with One Dollar to the Groom at the ſtable door for each Mare. Mares may be fed at the market price of grain, in manner and quantity directed by the proprietors: Servants will be boarded without charge, and paſturage ſupplied *gratis*, equal in extent and goodneſs (if not ſuperior) to any in the commonwealth, and laid out in different apartments, ſo as to ſuit Mares in foal, thoſe that have foals, and all others. Here gentlemen will find it greatly to their intereſt to avail themſelves of ſuch advantages, independent of the high conſideration of raiſing horſes from ſo fine a ſtock. This horſe has coſt me on landing in this country upwards of ſeven hundred pounds ſterling, which can be ſeen by reference to papers in my hands; and even at this price it was with difficulty he could be obtained, for my agent, a gentleman of great veracity, writes me he could have ſold him for 170 Guineas more than the original purchaſe, which evidently proves the high eſtimation he was in.

Pedigree, given by Lord Derby in the following words, viz. "I do hereby certify, "that the bay horſe called KNOWSLEY, late the property of the Prince "of Wales, was bred by me. He was "got by Sir Peter Teazle, out of Capella, and was ſix years old laſt May, and "no more.

(Signed) "DERBY. [Seal.]
"Knowsley, June 15, 1801."

CAPELLA was bred by general Parker, foaled in 1773, and got by Herod—See General Stud Book, page 40. Sir Peter Teazle was got by Highflyer, in 1784—See ſame book, page 182. Highflyer was got by Herod—See page [illegible]—And ſo on he may be traced through a noble line of anceſtors for ages paſt, without a ſingle flaw in his genealogy, either on the male or female ſide.

This extraordinary horſe ran often with great credit at two years old, and at three proved ſucceſsful; and ſo continued until the laſt of the year 1800. In 1801 he was purchaſed for me, and ſent to Virginia.—In 1798 he won a ſweepſtakes of 20 guineas each, for three year olds, 8 ſubſcribers, once round the ground, beating Mr. Pierce's b. c. by Walnut, Sir H.T. Vane's Puſh forward, Sir H. Williamſon's Stripling, Mr. Fletcher's g c. Camperdown, Mr. G. Crompton's c. Baſto, and Lord A. Hamilton's b. g. by Spadille, out of Snow Drop. See Calendar for 1798. He alſo won the Members' Plate of 50 guineas for three and four year olds, beating Lord Derby's four year old colt by Diomed, five to one on Knowſley, who was then Mr. Field's property. See Calendar for 1798. He alſo won a ſweepſtake for three year olds, beating Mr. Garforth's b. c. by Spadille, and Lord A. Hamilton's b. c. by Spadille. See Calender for 1799.

In May, 1799, York. On Tueſday May 28, a ſweepſtakes of 20 guineas each, (7 ſubſcribers) then the property of Mr. Walker, was won by Knowſley, beating Lord Fitzwilliam's ch. h. Wonder, five years old, Lord Hamilton's ch. h. by Walnut, Sir Thomas Gaſcoigne's Maid of the Mill, and John Robinſon's b. c. Abraham Newland. On Thurſday the 30th following, he alſo won the Stand Plate, of 50 guineas, for four year olds, beating Lord A. Hamilton's b. c. by Spadille, Mr. Garforth's mare Caroline, 6 years old. Lord Belhaven's ch. h. Maſter Robert; 6 years old, Mr Wentforth's Barnaby, and Mr. J. Anſon's gr. h. Little Scot, 5 years old.—See Calender for 1799.

IN June, 1800, (Guildford) the Prince of Wales owned him, and won the King's Plate for 4 year olds, of 100 guineas---10 ſtone 4 lbs. four mile heats, and beat Lord Donegall's b. h. by Pot 8 o's.---See Calendar for 1800, page 35.

Winchester, July 8. His Majeſty's Plate of 100 guineas was run for and won by Knowſley, beating Lord Donegall's b. h. by Pot 8 o's, 5 years old, and Sir F. Evelyn's, b. h. Aſparagus, 5 years old, 6 to 4 on Knowſley.

Lewes, Auguſt 12, 1800. The King's Plate of 100 guineas, four mile heats, was one by Knowſley, beating Lord Donegall's ch. c. Flugleman; four to one on Knowſley. Thurſday following he one a ſubſcription of 10 guineas each, beating Mr. Durand's Bellamima, and Mr. Ladbroke's Humbug. See Calendar for 1800—78 and 79.

Litchfield, on Thurſday September 9, he won the King's Plate of 100 guineas, three mile heats, for 5 year olds, carrying 8 ſtone 7lbs. beating Mr. Heming's b. h. Ploro, ten to one on Knowſley.

Notwithſtanding theſe evidences of Knowſley's ſuperior worth, yet it is my wiſh that gentlemen ſhould be ſtill further ſatisfied by a perſonal view of him; it is alſo my deſire that thoſe who are inclined to ſpeak and act candidly, would viſit me in the Spring, and take a ride over the paſtures, that they may be ſatisfied that nothing here aſſerted is exaggerated.

WILLIAM LIGHTFOOT.

February 1, 1802.

N. B. I will not be anſwerable for involuntary eſcapes or accidents.

Twenty Dollars Reward

WILL be paid for delivering, or ſecuring in any jail ſo that I get him my Negro Man Slave named

ANTHONY.

He is about thirty years of age, five feet 7 or 8 inches, and had on when he went away a blue cloth coat, a ſwan's down waiſtcoat, and a pair of purple Ruſſia drill overalls. He has an old ſcar acroſs his noſe, and has loſt the end of one of his little fingers by a whitlow, which occaſions the nail to grow crooked over it. I ſuſpect that he will go towards Richmond or Fredericksburg, and will probably endeavor to make his eſcape by water. All perſons are cautioned againſt employing, harbouring or carrying him out of the ſtate, as the law will be rigidly enforced againſt any perſon who may do either.

HARDIN BURNLEY.

Hanover, January 27, 1802. 1m.

NOTICE.

ANY perſon travelling to the Weſtern Country, who would prefer having money at Pittſburg, to carrying it from hence, can be accommodated with a draft for any ſum not exceeding twelve hundred dollars.—Enquire at the Poſt-Office.

Richmond, January 29, 1802.

Robert & Allan Pollok & Co.

Are now receiving by the late arrivals from London, Liverpool, & Glaſgow,

A GENERAL ASSORTMENT OF

DRY GOOD,

SUITED to the preſent and approaching Seaſon, which they offer FOR SALE on moderate terms.

BUCHANAN & POLLOK,
Of Peterſburg, and
ROBERT POLLOK & Co.
Of Manchester,

Are alſo now opening their Supplies of FALL AND WINTER GOODS.

Richmond, October 8, 1801.

SEEDS.

Minton Collins,

Reſpectfully informs his friends and the public, that he has lately received, from the Northern States, a very general aſſortment of

GRASS SEEDS;

And from London, via New-York, a freſh aſſortment of

GARDEN SEEDS,

Which may be had at his SEED STORE, for CASH only, viz:

Red & White Clover,

Trefoile or yellow ditto,
Lucern & Timothy ſeed,
Burnet & Ryegraſs ditto,
Bluegraſs, Burden graſs, & Szintfoine,
Furz or Whin ſeed,
Spring Tares, or Vetches,
Hemp, Flax, Rape, Muſtard, Canary, and Spinage,
Large Norfolk and Summer Turnips,
Early ſalmon, ſhort-top and white Turnip Radiſh ſeed,
Early Frame, Hotſpur, Charlton, Marrowfat, Spaniſh Morotto, & Prolific Peas,
Large Windſor, long pod and Mazagan Beans,
Blood red Beet, and Solid Celery.
Early York, Sugar Loaf, and Batterſea Cabbage ſeed,
Green and Yellow Savoy do.
Large Winter, Scotch, Dutch & Madeira Cabbage,
Red Dutch to pickle,
Bruſſels Sprouts and Borecole,
Early and late Cauliflower,
Green, purple and white Brocolie,
Saſſafic & Narſturtium,
White and green Coſs Lettuce,
Indive Ice Lettuce,
Roman, Cabbage, Brown Dutch, & Grand Admiral Lettuce,
Corn Sallad,
Early Frame & long green Cucumber,
Madeira, Silver ſkin, Red and Welſh Onion,
Red & Orange Carriot,
Large Parſnip,
White and Green Aſparagus,
Garden Creſs, and Peppergraſs,

With an aſſortment of Flower Seeds; ſome Painted Flower Pots, and Beachers for Chimney Ornaments, and Red Garden Pots, &c.

A TREATISE on GARDENING, by a Native of this State.

Richmond, Dec. 31, 1801. (tf)

The SUBSCRIBER,

Begs leave to inform the public, and his friends, that he has taken

The TAVERN,

FORMERLY occupied by Col. Parke Goodall, in the City of Richmond; and he flatters himſelf from his knowledge of the buſineſs and his ſtrict attention, to render general ſatisfaction. His houſe ſhall always be ſupplied with the beſt materials for that purpoſe, having a plenty of good ſervants, and an excellent hoſtler: his Stables [illegible] ſupplied with plenty of Forage [illegible]

[illegible] to take a few

BOARDERS,

at the cuſtomary price; and has alſo made preparations for the accommodation of

FIFTEEN or TWENTY
Members of the Aſſembly,

who ſhall be ſtrictly attended to, by

Peter Wilkinſon.

Richmond, Dec. 1ſt, 1801.

FOR SALE,

10231⅗ *Acres of Land,*

ON the waters of Great Sandy River, each ſide of Louiſa Fork, Ruſſel County, ſurveyed in February, 1795, and originally granted by patent to Richard Smith and Henry Banks.

This valuable tract will be put up for ſale, at public auction, in Baltimore, on the 15th day of March next, and for the convenience of purchaſers will be parceled out in lots of 10,000 acres each. The terms of payment will be one fourth caſh, the remainder in 3 equal payments, every 4 months. The titles, in every reſpect, are indiſputable. For other information and particulars enquire of *Lewis Paſcault* or *Henry Meſſonnier*, in Baltimore, or of *Joſeph Gallego*, in Richmond.

December 25th, 1801. (ep 1ſtM

William Temple,

Has Imported by the lateſt arrivals from London & Liverpool,

A GENERAL ASSORTMENT OF

MERCHANDIZE,

Which he will diſpoſe of low, by the PIECE OR PACKAGE.

He has alſo juſt received the following Articles, for ſale.

5 PIPES,
10 Hogſheads,
8 Qr. Caſks,
} Genuine Old Port WINE.
3 Pipes Madeira Wine;
1 Hhd. Old Antigua Rum, 4th Proof;
10 Tierces London Porter;
20 Hhds. Sugar;
50 Bags Coffee;
700 Sacks Liverpool Salt.

Richmond, Nov. 30, 1801.

CASH
GIVEN FOR
TOBACCO,

AT the ſecond houſe below the Eagle Tavern, by

John Richard, & Co.

Richmond, Nov. 19, 1801.

FOR SALE,
THE ENGLISH HORSE,

HAMILTON,

[Late the Bay Colt.]

EIGHT years old laſt May. He is in good order, and may be ſeen at my Stable, at Mont Comfort, one mile from the Capitol. For terms apply at my Office, in this city.

Thomas Wilſon.

Richmond, Dec. 8, 1801.

PEDIGREE.

January 31ſt, 1797.

"THIS IS TO CERTIFY that THE "BAY COLT was got by High Flyer, "dam by Eclipſe, from Young Cade, "which was the dam of Vauxhall."

(Signed) "GROSVENOR."

"N. B. The Cade mare, the dam of "Vauxhall, was alſo the dam of Dulci-"nea, Mambrino, and Sanche, all firſt "runners."

Peach & Apple

BRANDY

For Sale by the barrel.

E. W. Rootes.

Richmond, Dec. 21, 1801.

E. W. ROOTES,

HAS FOR SALE,

Antigua Rum, by the Hhd.
Holland Gin, by the Pipe;
Cotton Cards, by the Box, aſſorted;
Philadelphia Porter, by the Barrel, of 3 doz. bottles.
Candles, by the box;
2d 3d 4d 5d and 6d Nails, by the barrel;
20 Tons Swediſh Iron, aſſorted.
Excellent Madder, by the Caſk;

AND A GENERAL ASSORTMENT OF

SHOES.

Richmond, September 26, 1801.

SPORTS OF THE TURF!

NEW-MARKET.

In conſequence of the elections in the different counties in this ſtate coming on the 27th day of April, at which time the New-Market Races are advertiſed, and from a deſire of many gentlemen of the turf alſo, I am compelled to alter the ſame to the third Wedneſday in May, at which time they will certainly commence, agreeable to the former tenor, viz:

FIRST day, a Sweepſtakes, by three year old colts and fillies, carrying each 86lbs. two mile heats, entrance One Hundred Dollars, half forfeit. This ſubſcription will be kept open until the 15th day of April, and no longer. Entrance to be made by letter or perſonal application to the ſubſcriber. Should more than ſix ſtart, the entrance money of the ſecond beſt will be returned.

Second day, a purſe of 400 dollars will be run for, four mile heats, entrance 30 dollars. Weights as heretofore eſtabliſhed.

Third day, a purſe of 200 dollars will be run for, two mile heats, entrance 15 dollars.

And the fourth day, a Sweepſtakes, by three and four years old colts and fillies, the former carrying 86lb. and the latter 100lb. two mile heats, entrance 100 dollars. This ſubſcription will be cloſed the evening of the third day's race; and if five or more nags ſtart, the entrance money of the ſecond beſt will be returned.

Good ſtables and litter furniſhed for race horſes GRATIS.

STIRLING GARY,
Keeper of the Courſe.

February 14, 1802.

THE Subſcriber having taken the above Courſe for two years, has furniſhed himſelf with good beds, as well as ſtables, together with oſtlers and ſervants of a proper deſcription; alſo, liquors of a ſuperior quality. He flatters himſelf from his experience, and a deſire to pleaſe, in the above buſineſs, to give general and complete ſatisfaction.

VIRGINIA:
In the High Court of Chancery.

Between
DAVID ROSS, Plaintiff,
And
JOHN OLD, Defendant.

THIS cauſe came on the twenty-ſixth day of May, in the year of our Lord one thouſand eight hundred and one, to be heard on the bill, anſwer, exhibits and examinations of witneſſes, and was argued by counſel; on conſideration whereof the court doth adjudge and decree: unleſs the defendant do on or before the twenty-ſixth day of November next, pay unto the plaintiff, two hundred and ſixty ſeven pounds, thirteen ſhillings and ten pence, of current money of Virginia, with intereſt thereupon to be computed after the rate of five per centum per annum, from the twenty third day of April, one thouſand ſeven hundred and eighty-five, until payment and the coſt expended by the plaintiff, in the proſecution of this ſuit, that the ſaid defendant and his heirs, and all perſons claiming under him, be from thenceforth barred and foreclоſed of all equity and right, to redeem the ſeveral tracts or parcels of land mentioned in the indenture of mortgage, among the exhibits made the twenty third day of April, one thouſand ſeven hundred and eighty-five, between John Old of the one part, and David Roſs of the other part: and in caſe of default in the payment of the ſaid principal money, intereſts and coſts, at the time aforeſaid, that David S. Garland, John Wyatt, George Dillard and John Chriſtian, or any two of them, after giving three weeks previous notice, in one or more of the Richmond newſpapers, do expoſe to public ſale, by auction, for ready money, the lands in the ſaid indenture mentioned and out of the proceeds of ſuch ſale, pay unto the plaintiff, the ſaid principal money, intereſts and coſts, and the ſurplus, if any after deducting the expences attending the ſale, pay unto the defendant, and make report thereof to the court.

A Copy—Teſte
PETER TINSLEY.

	Dols.	Cts.
Plaintiffs coſts clerk and ſheriffs fees,	16	97
Lawyers fee and tax,	17	66
	34	63

IN obedience to the foregoing decree, we will ſell, at public ſale, at Amherſt court houſe, for ready money, on the 15th day of March next, (it being court day) the Lands in the ſaid decree referred unto, which we find by the Mortgage to be 120 acres more or leſs, in the great bent of James River, Amherſt county, purchaſed by the ſaid John Old, from George Hilton; alſo another piece or parcel of Land, containing five acres, commonly called the Mine-Bank, purchaſed from ſaid George Hilton. This Land was intended, as we are informed by the ſaid John Old, for erecting a furnace for making iron, for which purpoſe it is tho't to be well adapted. The ſaid mortgage alſo conveys all the entries made by ſaid Old, joining the ſaid land, which will be ſold at the ſame time and place.

David S. Garland.
George Dillard.
John Chriſtian.

January 30, 1802. tdf

For Freight or Charter,

The faſt ſailing new brig
TYGER,
now laying at Norfolk, burthen about 190 tons—will take about 200 Hhds. Tobacco, or 1000 Barrels Flour; is in complete order and ready to receive a cargo. For terms apply to

WILL. TEMPLE.

Richmond, 15th Feb. 1802.

STOLEN

Out of room No. 6, at the Eagle-Tavern,

A TRUNK,

THE property of William Newſum, containing ſundry articles of clothing and ſome letters and papers, among them was a BOND of James Welch to General Mathews and John Lovett, for one hundred and twenty odd pounds. Some of the cloathes have been recovered, but the bond has not. All perſons are cautioned againſt receiving or paſſing the bond, and a handſome reward will be paid to any perſon who ſhall deliver the ſame at the Eagle-Tavern.

Richmond, Feb. 2d, 1802. (3w)

NOTICE.

I SHALL leave this place for a few weeks. My buſineſs will be attended to by Mr. JAMES THOMPSON, until I return.

Joſiah Dickſon.

Richmond, January 22d, 1802.

A FEW COPIES OF

Henning's Juſtice,

May be had at this Office, and of Mr. Pumfrey, Book-Binder and Stationer.